

EXHIBIT 1

Daneen Muscato

From: Kyle Farrar <kyle@fbtrial.com>
Sent: Monday, June 10, 2019 1:04 PM
To: bazis@ned.uscourts.gov
Cc: Edward S. Bott; Daneen Muscato; Rhonda L. VanOsdale; Paul Godlewski; COYLE, MICHAEL
Subject: Susman v. The Goodyear Tire & Rubber Company; 8:18 CV 127

Dear Magistrate Bazis:

Pursuant to your Order, the parties are notifying you of a discovery dispute that requires your attention. The following is a joint statement from the parties regarding the issue. Please let us know how you would like to handle the issue. Thanks.

The failed tire at issue is a Load Range E tire, size 235/85R16 manufactured in 1994. The subject tire line / size had a nylon cap ply incorporated in its design in 1995 based in part due to increased failure rates, and all Load Range E tires incorporated nylon cap plies by 1998. Plaintiffs are seeking the production of Goodyear's internal claims files for all failed tires for Load Range E tires from 1992-1998. Plaintiffs position is the documents are responsive to prove the failures are substantially similar to the failure in the subject tire, as well as to prove the safer alternative design, the inclusion of nylon cap plies, significantly reduced or eliminated tread separations in Load Range E tires.

Goodyear's position is that the documents it has produced in this case provide plaintiffs with all of the relevant claims information plaintiffs need to be able to present their case to the court or the jury, and that any additional information which may be learned from the claims files themselves is disproportionate to the needs of the case when balanced against all of the other factors to be considered under FRCP 26. Goodyear has produced over 30,000 pages of documents and depositions relating to the design, manufacture, modifications and claims history involving its load range E tires. The claims related documents include a spreadsheet over 600 pages in length containing information on personal injury, property damage, and lawsuit claims involving load range E tires through the 1990s. It is believed that the number of load range E claims for the period of 1992 – 1998 may total over 1000. It is Goodyear's position that, at a minimum, any load range E tire other than the model and size involved in this case is dissimilar in design and construction to the tire at issue, and that any claim not involving personal injury is dissimilar to this occurrence. Goodyear further argues that given the age of these claims and the method of storage of any claims related information, the resources involved in searching for documents within the scope of what has been requested by plaintiff is overly burdensome and disproportionate to the needs of the case

Respectfully Submitted,

Kyle Farrar
Kaster, Lynch, Farrar & Ball
1010 Lamar St., Suite 1600
Houston, Texas 77002
713.221.8300